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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,170	06/02/2006	Brian T. Yeager	US030468US	2880

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BELLAMY, TAMIKO D

ART UNIT	PAPER NUMBER
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2856

MAIL DATE	DELIVERY MODE
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06/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,170	Applicant(s) YEAGER ET AL.	
	Examiner TAMIKO D. BELLAMY	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/31/08; 6/12/06; 6/2/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin. Please Note the drawing are only in the national stage case PCT. The application number on the drawings does not match the allocation number of this case (10/596,170).

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (5) because they do not include the following reference sign(s) mentioned in the description: **40 (second component)**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. **Also is element 38, the same as the upper housing (12) (See figs. 2 and 3)?**

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. Please provide the application number as well on the sheet.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (2002/0055693).

Re claim 1, as depicted in fig. 1-3, Thompson et al. discloses an upper portion {e.g., ultrasonic applicator (18) including a metal or plastic shaped body (38)} ergonomically sized to be grasped in one hand (Par. 51). See fig. 3, wherein the upper surface (38) has a spherical outer surface shape (Par. 67). A lower portion of the housing (e.g., see bottom portion of (38)) and a cable exit opening {e.g., See portion of (38) that protrudes outward on one side and surrounds matting outlet (56)} enables a cable (e.g., combination of matting outlet (56), distal connector (54) and power cord (30)) to pass from the interior of the housing (18/38) to the exterior of the housing (18/38).

Re claims 2 and 13, as depicted in fig. 2, a cable conduit {e.g., combination of matting outlet (56), distal connector (54) and power cord (30)} extends from the cable exit opening {e.g., See portion of (38) that protrudes outward on one side and surrounds matting outlet (56)} enables a cable (e.g., combination of matting outlet (56), distal connector (54) and power cord (30)).

Re claims 3 and 14, as depicted in fig.3, the housing (18/38) comprises first (40/46) and second (50) components, wherein each component provides approximately half of the upper portion {e.g., ultrasonic applicator (18) including a metal or plastic shaped body (38)} and half of the lower portion (e.g., see bottom portion of (38)).

Re claims 4 and 15, see fig. 11. (Par. 79).

Re claims 5 and 16, as depicted in fig. 3, Thompson et al. discloses mounting mechanism of the transducer (40) in the housing (38/18).

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Re claims 6 and 17, as depicted in figs. 3 and 4, components (40, 46, and 50) are attached together and held in place inside the housing (18/38) via adhesive strip (204).

Re claim 7, as depicted in fig. 3, Thompson et al. discloses a projection (42) on the first component (40) and a recess (see interior of housing 38) formed on the second component (50).

Re claims 8, 9, and 18, see figs. 3, 10, and 11.

Re claims 10 and 20, as depicted in fig. 3, the lower portion (see lower portion of (38), defines an opening (see bladder chamber (50)).

Re claim 11, as depicted in fig. 4, the material (48) defines the bladder chamber (50) that can be formed by a molded component gel, or a liquid filled pad (200) (Pg. 4, Par. 56). The combination of the material (48) and the bladder chamber form a lens.

Re claim 12, as depicted in figs. 1 and 3, Thompson et al. discloses all the limitations and cable (e.g., power cord 30) connecting the transducer (40) to a control unit (e.g. controller 26) (Par. 42).

Re claim 19, as depicted in fig. 3, Thompson et al. discloses a flexible epoxy (42) material arranged in an interior of the housing (18/38).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMIKO D. BELLAMY whose telephone number is (571)272-2190. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hezron Williams/
Supervisory Patent Examiner, Art Unit
2856

Tamiko Bellamy
/TB/
June 19, 2009